

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHAEL S. CRAFT

v.

COMMISSIONER, SSA

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Civil Action No. 4:18-CV-081

(Judge Schell/Judge Nowak)

MEMORANDUM ADOPTING REPORTS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

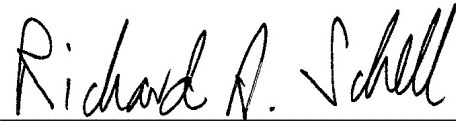
Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 22, 2020, the report of the Magistrate Judge (Dkt. #44) was entered containing proposed findings of fact and recommendations that Plaintiff's Amended Petition and Brief for Award of Attorney Fees under the Equal Access to Justice Act (Dkt. #33) be granted in part and denied in part. Thereafter, on May 26, 2021, the report of the Magistrate Judge (Dkt. #46) was entered containing proposed findings of fact and recommendations that Plaintiff's Petition to Obtain Approval of a Fee for Representing a Social Security Claimant [under 42 U.S.C. § 406(b)] (Dkt. #39) be granted. The court has received the reports of the Magistrate Judge. Having considered Plaintiff's objections to the Magistrate Judge's EAJA report (Dkt. #45), and having conducted a *de novo* review of the same, the court is of the opinion that the findings and conclusions of the Magistrate Judge regarding the EAJA award are correct and adopts the Magistrate Judge's report regarding the EAJA award as the findings and conclusions of the court. No objections were timely filed to the Magistrate Judge's 406(b) report (Dkt. #46). Accordingly, the court is of the opinion that the findings and conclusions of the Magistrate Judge regarding the 406(b) award are correct and adopts the Magistrate Judge's report regarding the 406(b) award as the findings and conclusions of the court.

It is therefore **ORDERED** that Plaintiff's Amended Petition and Brief for Award of Attorney Fees under the Equal Access to Justice Act (Dkt. #33) is **GRANTED IN PART** and **DENIED IN PART**, and the court finds that six thousand forty-three dollars and sixty-one cents (\$6,043.61) represents reasonable attorney's fees and costs under EAJA.

It is further **ORDERED** that Plaintiff's Petition to Obtain Approval of a Fee for Representing a Social Security Claimant [under 42 U.S.C. § 406(b)] (Dkt. #39) is **GRANTED**. Plaintiff's attorney is awarded a fee in the amount of fourteen thousand five hundred thirty-four dollars and fifty cents (\$14,534.50), to be paid from Plaintiff's past due benefits being withheld by the Commissioner for attorney's fees. Upon receipt of such payment, Plaintiff's attorney shall refund to Plaintiff the EAJA award granted herein.

IT IS SO ORDERED.

SIGNED this the 5th day of August, 2021.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S".

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE